

**OFFICE OF THE GENERAL COUNSEL**  
**Division of Operations-Management**

MEMORANDUM OM 15-04

November 7, 2014

TO: Regional Directors, Officers-in-Charge,  
and Resident Officers

FROM: Anne Purcell, Associate General Counsel

SUBJECT: Revisions to Section 10058 of the Unfair Labor Practice Casehandling  
Manual

Section 10058 of the Unfair Labor Practice Casehandling Manual has been revised.<sup>1</sup>  
The revision highlights are set forth below.

- (1) A new bullet reflecting that the Regional Office must contact Special Ethics Counsel before engaging in ex parte contacts with *current supervisors of a party, represented by an attorney, who provided an affidavit during the investigation of a case as a nonsupervisory employee (Sec. 10058.2(b)(1))* has been added.
- (2) Section 10058.2 has been revised to reflect the following additions:
  - (b) *Current Supervisors/Agents Who Come Forward Voluntarily and Current Supervisors Who Provided Evidence as a Nonsupervisory Employee:*
    - (1) *Current Supervisors/Agents Who Come Forward Voluntarily.* If current supervisors or agents come forward voluntarily and indicate that they do not wish to have the party's attorney present, the Regional Office must contact Special Ethics Counsel before interviewing or taking a statement from such a witness.
    - (2) *Current Supervisors Who Provided Evidence as Nonsupervisory Employees:* *If a current supervisor of a party, represented by an attorney, provided evidence as a nonsupervisory employee prior to promotion, a Regional Office may initiate ex parte contacts to inquire about the individual's changed status. After the preliminary interview and before gathering any additional information from, or conducting a pretrial interview with, such witness, the Regional Office must contact Special Ethics Counsel.*

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<sup>1</sup> The revisions are the efforts of RD Wanda Pate Jones, Region 27, RD Rik Lineback, Region 25, RA Garey Lindsay, Region 9, ARD Paul Murphy, Region 3, DAGC Peter Margolies, DAGC Rosalind Eddins-Hill, Division of Operations-Management and Special Ethics Counsel Lori Ketcham, Division of Legal Counsel.

A copy of revised Section 10058 is attached. This revised section will be included in the electronic version of the manual posted on the Agency's website and on the Insider shortly.

If you have any questions regarding this memorandum, please contact your AGC or Deputy or the undersigned.

/s/  
A.P.

Attachment

cc: NLRBU  
Release to the Public

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